

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

HARRILL GLENN SCOTT §
v. § CIVIL ACTION NO. 6:11cv276
PFIZER PHARMACEUTICAL, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

The Plaintiff Harrill Scott, proceeding *pro se*, filed this lawsuit complaining that he had received a drug called Bextra without receiving warnings of the potential side effects. The Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Scott sued Phizer Pharmaceutical and a Smith County physician named Dr. Duane Tisdale. He later filed a motion to amend his complaint to delete Dr. Tisdale as a defendant. The Magistrate Judge issued a Report recommending that the motion be granted and that Dr. Tisdale be dismissed as a party to the case. Scott received a copy of this Report but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the Plaintiff's pleadings and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 12) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's request to dismiss Dr. Tisdale is GRANTED and that the Defendant Dr. Duane Tisdale is hereby dismissed as a party to this lawsuit. The dismissal of Dr. Tisdale as a party shall have no effect upon the Plaintiff's claims against Pfizer Pharmaceutical Co.

So ORDERED and SIGNED this 3rd day of January, 2012.



**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**